UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,005	01/16/2001	Sung-Won Lee	678-595 (P9710)	6052

7590 06/29/2004

PAUL J. FARRELL
Dilworth & Barrese, LLP
333 Earle Ovington Blvd
Uniondale, NY 11553

EXAMINER	
SCHEIBEL, ROBERT C	

ART UNIT	PAPER NUMBER
2666	10

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/761,005	Applicant(s) LEE, SUNG-WON	
	Examiner Robert C. Scheibel	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,8-11,16-19,26-29,34 and 35* is/are rejected.

7)☒ Claim(s) *3, 5-7, 12-15, 20-25, and 30-33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5,7,8*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see paragraph 4 on page 2, filed 3/24/2004, with respect to Figures 1-5 have been fully considered and are persuasive. The objection to the drawings has been withdrawn.

2. Applicant's arguments, see paragraphs 5-7 on pages 2-3, filed 3/24/3004, with respect to the rejection of claims 1 and 9 under 35 U.S.C. 102 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of the 3rd Generation Partnership Project 2 "3GPP2", C.S0005-0 Version 1.0. This document was presented as part of the IDS filed in December 2003 and entered in the application after the office action was prepared. This same reference was relied upon for the rejection of other claims previously indicated as allowable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims **1-2, 4, 8-11, 16-19, 26-29, and 34-35** are rejected under 35 U.S.C. 102(a) as being anticipated by 3rd Generation Partnership Project 2 "3GPP2", C.S0005-0 Version 1.0 ("3GPP2" hereinafter).

Regarding claim **1**, 3GPP2 discloses in section 3.7.3.3.2.24 the step of generating a channel assignment message (the Supplemental Channel Assignment Message described in the table) including a start time for channel assignment (REV_START_TIME/FOR_START_TIME), a duration of the channel assignment (REV_DURATION/FOR_DURATION), and a sequence number (SCRM_SEQ_NUM) for message identification. 3GPP2 also discloses the step of transmitting the channel assignment message to a mobile station on an existing traffic channel in section 2.6.4.1.2 (see lines 7-8 and 23-26 on page 2-171).

Regarding claim **9**, 3GPP2 discloses in section 3.7.3.3.2.24 and in figure 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2 the step of receiving a plurality of channel assignment messages successively. The fields of the channel assignment message (start time (REV_START_TIME/FOR_START_TIME), a duration (REV_DURATION/FOR_DURATION), a sequence number for message identification (SCRM_SEQ_NUM), and a channel identifier for channel identification (BASE_CODE_CHAN)) are disclosed in section 3.7.3.3.2.24. The limitation of receiving a plurality of channel assignment messages is disclosed in figures 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2. 3GPP2 also discloses the step of transmitting the channel assignment message to a mobile station on an existing traffic channel in section 2.6.4.1.2 (see lines 7-8 and 23-26 on page 2-171). The step of storing the received channel assignment

messages in a memory according to the start times, durations, and sequence numbers of the channel assignment messages is disclosed in the section from line 4 on page 2-288 through line 40 on page 2-292; this section describes that the various message fields are to be stored in the mobile station. Figures 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2 also disclose the limitation that data communication is conducted on channels assigned by the channel assignment messages.

Regarding claim **17**, 3GPP2 discloses in section 3.7.3.3.2.24 and in figure 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2 the step of receiving a plurality of channel assignment messages successively. The fields of the channel assignment message (start time (REV_START_TIME/FOR_START_TIME), a duration (REV_DURATION/FOR_DURATION), a sequence number for message identification (SCRM_SEQ_NUM), and a channel identifier for channel identification (BASE_CODE_CHAN)) are disclosed in section 3.7.3.3.2.24. The limitation of receiving a plurality of channel assignment messages is disclosed in figures 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2. 3GPP2 also discloses the step of transmitting the channel assignment message to a mobile station on an existing traffic channel in section 2.6.4.1.2 (see lines 7-8 and 23-26 on page 2-171). The step of storing the received channel assignment messages in a memory according to the start times, durations, and sequence numbers of the channel assignment messages is disclosed in the section from line 4 on page 2-288 through line 40 on page 2-292; this section describes that the various message fields are to be stored in the mobile station. The limitation of conducting data communication on a channel corresponding to the channel identifier of a first read

channel assignment message for a period between the start time and the end of the duration set in the read channel assignment message is disclosed in the "Assignment 1" message and the associated channel usage in Figure 2.6.6.2.5.1.1-1 (b). The limitation of then on a channel corresponding to the channel identifier of a next read channel assignment message for a period between the start time and the end of the duration set in the next channel assignment message, the start time of the next channel assignment message being set to or after the end of the data communication according to the first read channel assignment message is disclosed in the "Assignment 2" message and the associated channel usage in Figure 2.6.6.2.5.1.1-1 (b). This figure clearly shows that the start time of the next channel assignment message is after the end of the data communication according to the first channel assignment message.

Regarding claim **27**, 3GPP2 discloses the limitation of a receiver for receiving a plurality of channel assignment messages successively from a base station on an existing traffic channel, each of the channel assignment messages having the fields of a start time, a duration, a sequence number for message identification, and a channel identifier for channel identification in section 3.7.3.3.2.24 and in figure 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2 as described above in claims 9 and 17. The receiver is inherent to a system receiving channel assignment messages as the means of receiving these messages. 3GPP2 discloses the limitation of a memory having a scheduling table for storing the received channel assignment messages and the limitation of a controller for storing the received channel assignment message in the scheduling table of the memory according to the durations and sequence numbers of the channel assignment

messages are disclosed in the section from line 4 on page 2-288 through line 40 on page 2-292. This section describes that the various message fields are to be stored in the mobile station; this information must be stored in some sort of memory. Further, 3GPP2 discloses the limitation of the controller sequentially reading the stored channel assignment messages, and assigning channels based on the channel identifiers of the read channel assignment messages, for data communication in figures 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2. These figures show (a) that the channel assignment messages are processed after they are received and (b) that they are processed in the order they are received (indicating that they are stored for later processing and sequentially read). The use of the channel based on the respective assignment messages also indicates that channels are assigned based on the channel identifiers of the read channel messages.

Regarding claims **2, 10, 18, and 28**, 3GPP2 discloses the step of deleting a previous channel assignment message in lines 4-7 of page 2-320 and figure 2.6.6.2.5.1.1-2. The second message replaces the first, thus effectively deleting it.

Regarding claims **4, 11, 19, and 29**, 3GPP2 discloses the step of updating a previous channel assignment message in figure 2.6.6.2.5.1.1-1 (a). The first channel assignment is updated by the second channel assignment to extend the duration of the first channel assignment.

Regarding claims **8, 16, 26, and 35**, 3GPP2 discloses the limitation that the channel assignment message(s) are supplemental channel assignment message(s) in the title of section 3.7.3.3.2.24 "Supplemental Channel Assignment Message".

Regarding claim **34**, 3GPP2 discloses the limitation of conducting data communication on a channel corresponding to the channel identifier of a first read channel assignment message for a period between the start time and the end of the duration set in the read channel assignment message is disclosed in the "Assignment 1" message and the associated channel usage in Figure 2.6.6.2.5.1.1-1 (b). The limitation of then on a channel corresponding to the channel identifier of a next read channel assignment message for a period between the start time and the end of the duration set in the next channel assignment message, the start time of the next channel assignment message being set to or after the end of the data communication according to the first read channel assignment message is disclosed in the "Assignment 2" message and the associated channel usage in Figure 2.6.6.2.5.1.1-1 (b). This figure clearly shows that the start time of the next channel assignment message is after the end of the data communication according to the first channel assignment message.

Allowable Subject Matter

5. Claims **3, 5-7, 12-15, 20-25, and 30-33** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 703-305-9062. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RCS 6-25-04

Robert C. Scheibel
Examiner
Art Unit 2666